

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

<b>P.M.I. SERVICES NORTH AMERICA, INC., PLAINTIFF</b>	§ § § § § § § § §	<b>V. CIVIL ACTION NO. 3:16-cv-00442-PRM</b>
<b>ENDURO PIPELINE SERVICES, INC., DEFENDANT</b>		

**PLAINTIFF'S DISCLOSURE OF EXPERT WITNESSES**

Plaintiff P.M.I. Services North America, Inc. ("Plaintiff" or "PMI") discloses the following expert witnesses in the above-referenced matter in accordance with this Court's Scheduling Order and FED. R. CIV. P. 26(a)(2). These individuals may testify in this case.

**I.  
Designation of Experts**

Pursuant to Fed.R.Civ.P. 26(a)(2)(C), PMI designates as non-retained experts the following persons who may be called to provide expert opinions and expert testimony.

1. Darryn Tollefson  
Dong-Hyeon Joh  
P.M.I. Services North America, Inc.  
c/o Christine Kirchner and  
Cade W. White  
Chamberlain, Hrdlicka, White,  
Williams & Aughtry, P.C.  
1200 Smith Street, Suite 1400  
Houston, Texas 77002  
(713) 658-1818

Mr. Tollefson and Mr. Joh are employees of PMI and the subject matter of their expected testimony is the risks associated with further movement of the magnets in the pipeline at issue as well as costs of removal of the magnet remaining on the Mexico side of the pipeline. Specifically, Mr. Tollefson and Mr. Joh are expected to testify that continued movement of the magnets, of which they first became aware in 2015, can result

in in the magnets moving to an unrecoverable location, such as a horizontal drill site, pumping station, intake valve, etc., presenting a risk to ongoing operations. Mr. Tollefson and Mr. Joh are further expected to testify that the cost of removing the magnet on the Mexico side of the pipeline will total between \$350,000 to \$600,000.

2. Darryl Knee  
Sterling Fountain  
Dale Corbello  
Otty H. Medina, Sr.  
Buckeye Development and Logistics, LLC  
One Greenway Plaza, Suite 880  
Houston, Texas 77046  
(832) 615-8600

Mr. Knee, Mr. Fountain, Mr. Corbello and Mr. Medina are employees of Buckeye Development and Logistics, LLC, the operator of the pipeline at issue. The subject matter of their expected testimony is the reasonableness of the costs associated with the past removal of a magnet from the pipeline as well as the costs associated with removing the magnet remaining on the United States side of the pipeline. Specifically, Mr. Knee, Mr. Fountain, Mr. Corbello and Mr. Medina are expected to testify that the costs associated with the past removal of a magnet from the pipeline were reasonable and that the costs associated with the removal of the magnet remaining on the United States side of the pipeline will total between \$325,000 to \$335,000.

3. Corporate Representative(s) of Rosen USA, Inc.  
14120 Interdrive East  
Houston, Texas 77032  
(281) 442-8282

The subject matter of the anticipated testimony of the Corporate Representative(s) of Rosen USA, Inc. is the reason(s) why it would not run a MFL tool through the pipeline in 2015, or warranty the results or perform a DOT compliant ILI survey, the details of which are more fully described in PMI000490-000541. The Corporate Representative(s) of Rosen USA, Inc. is further expected to provide testimony regarding its policies and procedures regarding running a tool through a pipeline and when it, a reasonable and prudent company, would not do so.

4. Christine Kirchner  
Chamberlain, Hrdlicka, White, Williams & Martin  
1200 Smith Street, Suite 1400  
Houston, Texas 77002  
(713) 658-1818

Mr. Kirchner is a shareholder of her respective firm. The general substance of Ms. Kirchner's opinions concerns the reasonableness and necessity of Plaintiff's attorneys' fees and costs. Ms. Kirchner's CV can be found at <http://www.chamberlainlaw.com/attorneys-43.html>.

Ms. Kirchner is an attorney licensed to practice in Texas who will testify regarding the amount, reasonableness and necessity of attorneys' fees, based on Texas Disciplinary Rule of Professional Conduct 1.04, expended by Plaintiff in pursuing its claims in this case. Ms. Kirchner will likely review the pleadings, discovery and other pertinent material pertaining to the case and other documents in the file.

The factors Ms. Kirchner will consider in determining the reasonableness of a fee include, but are not limited to, the following:

- a. the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- b. the likelihood, that the acceptance of this case will preclude other employment by the lawyers involved;
- c. the fee customarily charged in the locality for similar legal services;
- d. the amount involved and the results obtained;
- e. the time limitations imposed by the client or by the circumstances;
- f. the nature and length of the professional relationship with the client;
- g. the experience, reputation, and ability of the lawyers performing the services; and
- h. whether the fee is fixed or contingent on result obtained or uncertainty of collection before the legal services have been rendered.

Ms. Kirchner may be expected to have reviewed all non-privileged materials related to this case, including but not limited to, discovery, depositions, pleadings, and other related file material.

5. Retained Pipeline Owner/Operator Expert  
c/o Christine Kirchner and  
Cade W. White  
Chamberlain, Hrdlicka, White,  
Williams & Aughtry, P.C.

1200 Smith Street, Suite 1400  
Houston, Texas 77002  
(713) 658-1818

PMI may also designate a retained expert and supplement with a written report complying with Fed.R.Civ.P. 26(a)(2)(B) once factual testimony has been obtained from the parties and the witnesses identified above and said expert has the information needed to properly evaluate and opine as to the problems and challenges faced by an owner/operator with dislodged magnets in its pipeline with regard to: (a) execution of an ILI survey; and (b) issues with selection and utilization of tools used during an ILI survey given the presence of magnets in the pipeline. It is anticipated that said expert will rely upon the testimony of a Rosen corporate representative(s), Enduro personnel and PMI personnel in forming their opinions as well as industry standards and publications.

## **II. Reservation of Rights**

Pursuant to the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and the Court's Scheduling Order, PMI reserves the right to supplement this designation as appropriate and to designate any rebuttal expert witnesses as required and appropriate. PMI reserves the right to elicit, by way of cross-examination, opinion testimony from experts designated and called by any other party in this matter, whether through live testimony at trial or by deposition.

PMI reserves the right to call at the trial of this cause any witness, either fact or expert, designated by any other party to this litigation, who will testify in rebuttal, and whose identities cannot be known until the presentation of the evidence against PMI.

PMI reserves the right to withdraw the designation of any expert witness and to aver positively that such previously-designated expert will not be called as an expert witness at trial and to re-designate the same as a consulting expert, who cannot be called by opposing counsel absent a showing of exceptional circumstances such that it is impracticable to obtain facts or opinions on the same subject by other means.

PMI reserves the right to elicit any expert testimony and/or lay opinion testimony at the time of trial that would assist the jury in determining material issues of fact.

PMI reserves the right to supplement this designation of experts further within the limitations imposed by the Court or any alterations of the same by subsequent Court Order and/or by agreement of the parties or pursuant to the Federal Rules of Civil Procedure and/or the Federal Rules of Evidence.

PMI reserves whatever additional rights it may have with regard to experts, pursuant to the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the case law construing same, the Court's Scheduling Order and the rulings of this Honorable Court.

Respectfully submitted,

CHAMBERLAIN, HRDLICKA, WHITE,  
WILLIAMS & AUGHTRY, P.C.

By: /s/ Christine Kirchner  
Christine Kirchner  
Attorney-in-Charge  
State Bar No. 00784403  
Cade W. White  
State Bar No. 24051516  
1200 Smith Street, Suite 1400  
Houston, Texas 77002  
Telephone: (713) 658-1818  
Fax: (713) 658-2558  
[c.kirchner@chamberlainlaw.com](mailto:c.kirchner@chamberlainlaw.com)  
[cade.white@chamberlainlaw.com](mailto:cade.white@chamberlainlaw.com)

MOUNCE, GREEN, MYERS, SAFI, PAXSON  
& GALATZAN  
A Professional Corporation  
P.O. Drawer 1977  
El Paso, Texas 79950-1977  
Telephone: (915) 532-2000  
Fax: (915) 541-1597  
[pine@mgmsg.com](mailto:pine@mgmsg.com)

By: /s/ Clyde A. Pine, Jr.  
Clyde A. Pine, Jr.  
State Bar No. 16013460

**ATTORNEYS FOR PLAINTIFF,  
P.M.I. SERVICES OF NORTH AMERICA, INC.**

**CERTIFICATE OF SERVICE**

I do hereby certify that on this 23rd day May 2017 the foregoing was filed in this matter via the Court's CM/ECF system, which will electronically notify all counsel of record of the filing.

/s/ Cade W. White  
Cade W. White

2416974.1